

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC. and  
COXCOM, LLC.

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**[PROPOSED] ORDER**

Before this Court is Defendants Cox Communications, Inc.’s and CoxCom, LLC’s (collectively, “Cox”) motion for an order granting summary judgment and/or partial summary judgment in their favor on Plaintiffs’ claims in the First Amended Complaint and Jury Demand (the “Complaint”), the Court is of the opinion that the Motion should be, and it hereby is, GRANTED. According, it is established as a matter of law that:

- Plaintiffs lack sufficient evidence to prove the underlying direct infringement of Plaintiffs’ alleged works-in-suit for the secondary claims alleged against Cox in the Complaint;
- Because the RIAA Notices failed to identify the vast majority of sound recordings or any of the musical compositions alleged to have been infringed in the Complaint, Cox cannot be held secondarily liable for infringement of those unidentified works;

- Plaintiffs cannot prove that any Cox Business subscriber engaged in direct infringement as alleged in the Complaint, or hold Cox indirectly liable for their alleged actions;
- Plaintiffs have no evidence that Cox derived a direct financial benefit from the infringement alleged in the Complaint, and so cannot be held vicariously liable for the infringement alleged in the Complaint; and
- Under the plain language of the Copyright Act, Plaintiffs are entitled to only one award of statutory damages for each album registered as a single work, and one award for a sound recording and the musical composition it embodies.

It is SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Alexandria, Virginia

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Honorable Liam O'Grady  
United States District Judge